

MINUTES OF THE  
MARICOPA ASSOCIATION OF GOVERNMENTS  
MAG REGIONAL COUNCIL EXECUTIVE COMMITTEE  
September 13, 2010  
MAG Offices, Cholla Room  
302 N. 1<sup>st</sup> Avenue, Phoenix, Arizona

MEMBERS ATTENDING

Mayor Thomas L. Schoaf, Litchfield Park, Chair	Mayor Jim Lane, Scottsdale
# Mayor Hugh Hallman, Tempe, Vice Chair	Mayor Michael LeVault, Youngtown
Mayor Marie Lopez Rogers, Avondale, Treasurer	Councilwoman Peggy Neely, Phoenix
	Mayor Scott Smith, Mesa

\* Not present

# Participated by video or telephone conference call

1. Call to Order

The Executive Committee meeting was called to order by Chair Schoaf at 12:14 p.m. Chair Schoaf stated that public comment cards were available for those members of the public who wish to comment. Transit tickets were available from Valley Metro for those using transit to come to the meeting. Parking validation was available from MAG staff for those who parked in the parking garage.

2. Call to the Audience

Chair Schoaf stated that, according to the MAG public comment process, members of the audience who wish to speak are requested to fill out the public comment cards. He stated that there is a three-minute time limit. Public comment is provided at the beginning of the meeting for items that are not on the agenda that are within the jurisdiction of MAG, or non-action agenda items that are on the agenda for discussion or information only. Chair Schoaf noted that no public comment cards had been received.

3. Consent Agenda

Chair Schoaf noted that prior to action on the consent agenda, members of the audience are provided an opportunity to comment on consent items that are being presented for action. Following the comment period, Committee members may request that an item be removed from the consent agenda. Chair Schoaf noted that no public comment cards had been received.

Chair Schoaf suggested moving agenda items #4 ARRA Local Highway Funds: Project Changes Amendment to the FY 2011-2015 MAG Transportation Improvement Program and #5 ARRA Transit Funds: Project Changes Amendment to the FY 2011-2015 MAG Transportation

Improvement Program to the consent agenda as items 3F and 3G respectively. He stated that the MAG Management Committee heard and approved these items at the September 8, 2010 meeting. The Executive Committee agreed to move the two agenda items to the consent agenda. Chair Schoaf requested a motion to approve the consent agenda. Councilwoman Neely moved to approve items #3A through #3G. Mayor LeVault seconded the motion and the motion carried unanimously.

3A. Approval of the August 16, 2010 Executive Committee Meeting Minutes

The Regional Council Executive Committee, by consent, approved the August 16, 2010 Executive Committee meeting minutes.

3B. Consultant Selection for the Sustainable Transportation and Land Use Integration Study

The Executive Committee, by consent, approved the selection of Arup North American, Ltd. as the consultant to develop the Sustainable Transportation and Land Use Integration Study for an amount not to exceed \$750,000. On May 26, 2010, the MAG Regional Council approved the Fiscal Year (FY) 2011 MAG Unified Planning Work Program and Annual Budget, which provides \$750,000 to conduct a Sustainable Transportation and Land Use Integration Study. A Request for Proposals was advertised on June 29, 2010, and nine proposals were received. On August 26, 2010, a multi-agency review team evaluated the proposals, conducted consultant interviews, and recommended to MAG that Arup North American, Ltd. be hired to develop the study at a cost not to exceed \$750,000. This item was on the September 8, 2010 MAG Management Committee agenda for recommendation to approve.

3C. Consultant Selection for the On-Call Transportation Planning Consultant Services Program

The Executive Committee, by consent, approved the selection of Cambridge Systematics, Inc., AECOM Technical Services, Inc., PB Americas, Inc., HDR Engineering, Inc., Kimley-Horn and Associates, Inc., and Burgess & Niple, Inc. as the consultants to participate in the On-Call Transportation Planning Consultant Services Program for a two-year period, as provided for in the FY 2010 and FY 2011 Unified Planning Work Programs and Annual Budgets. The Fiscal Year (FY) 2010 MAG Unified Planning Work Program and Annual Budget, approved by the MAG Regional Council in May 2009, was amended in February 2010 to include \$150,000 to conduct the On-Call Transportation Planning Consultant Services Program. The FY 2011 Unified Planning Work Program and Annual Budget, approved by the MAG Regional Council in May 2010, provides an additional \$100,000 for this On-Call Program. The purpose of the program is for expediting the delivery of consultant services at MAG. For the purposes of this On-Call Transportation Planning Consultant Services program, qualified consultants were sought to assist staff in the following five services areas: (1) Civil Engineering, (2) Transportation Planning, (3) Transportation Operations, (4) Policy and Finance, and (5) Public Involvement. A Request for Statements of Qualifications was issued on April 15, 2010 and a total of 37 Statements of Qualifications were received by the due date of May 27, 2010. An internal team of MAG staff reviewed the Statements of Qualifications and on July 22, 2010, recommended to MAG selecting six consultants for participation in the On-Call Transportation Planning Consultant Services program. This item was on the September 8, 2010 MAG Management Committee agenda for recommendation to approve.

3D. Conformity Consultation

The Maricopa Association of Governments is conducting consultation on a conformity assessment for an amendment and administrative modification to the FY 2011-2015 MAG Transportation Improvement Program (TIP). The proposed amendment and administrative modification involve several American Recovery and Reinvestment Act (ARRA) funded projects, including a City of Phoenix pavement preservation project and a Scottsdale park-and-ride project. In addition, the City of Mesa has proposed an amendment involving transit projects. The amendment includes projects that may be categorized as exempt from conformity determinations. The administrative modification includes minor project revisions that do not require a conformity determination. This item was approved at the September 8, 2010 Management Committee meeting. This item was on the Executive Committee agenda for consultation.

3E. Project Changes - Amendment to the FY 2011-2015 MAG Transportation Improvement Program

The Executive Committee, by consent, approved amending the FY 2011-2015 MAG Transportation Improvement Program, and as appropriate, the Regional Transportation Plan 2010 Update to add a new highway safety project. The fiscal year (FY) 2011-2015 MAG Transportation Improvement Program (TIP) and Regional Transportation Plan 2010 Update were approved by the MAG Regional Council on July 28, 2010. Since that time, there has been a request from ADOT to add a new project to replace an analog radio system throughout the region. This project is requesting to use \$2.9 million of federal Highway Safety funds in federal fiscal year (FFY) 2010; ADOT manages the federal Highway Safety fund program. This request is time sensitive as the Federal Highway Administration stops accepting obligation requests for FFY 2010 on September 16, 2010. This item was on the September 8, 2010 Management Committee agenda for information, discussion and recommendation to approve.

3F. ARRA Local Highway Funds: Project Changes - Amendment to the FY 2011-2015 MAG Transportation Improvement Program

The Executive Committee moved this item (#4) to the consent agenda. The Executive Committee, by consent, approved amending the FY 2011-2015 MAG Transportation Improvement Program, and as appropriate, the Regional Transportation Plan 2010 Update to move \$1,281,693 of ARRA funds to PHX09-801 and increase the project budget accordingly. The Fiscal Year (FY) 2011-2015 MAG Transportation Improvement Program (TIP) and Regional Transportation Plan 2010 Update were approved by the MAG Regional Council on July 28, 2010. Since that time, there has been a request from the City of Phoenix to move ARRA funds from the PHX09-804 project, which will now be funded with local funds to the PHX09-801 project to increase the project budget and the number of miles of roadway to be repaved. This request was time sensitive as the Federal Highway Administration stops accepting obligation requests on September 16, 2010. This item was on the September 8, 2010 Management Committee agenda for possible recommendation to approve.

3G. ARRA Transit Funds: Project Changes - Amendment to the FY 2011-2015 MAG Transportation Improvement Program

The Executive Committee moved this item (#5) to the consent agenda. The Executive Committee, by consent, approved amending the FY 2011-2015 MAG Transportation Improvement Program, and as appropriate, the Regional Transportation Plan 2010 Update for the Scottsdale request to move \$183,498 in ARRA funds from a construction project to a design project and approval of the city of Mesa request to program \$1,771,250 of ARRA transit funds for the construction of the Gilbert/L202 park-and-ride project, MES10-805T, and \$126,250 of ARRA transit funds for the construction of L202/Power park-and-ride, MES08-801T. The Fiscal Year (FY) 2011-2015 MAG Transportation Improvement Program (TIP) and Regional Transportation Plan 2010 Update were approved by the MAG Regional Council on July 28, 2010. Since that time, there has been a request from the City of Scottsdale to move ARRA funds from a construction project to a design project. Additionally, the Federal Transit Administration has deemed three design projects led by the City of Mesa ineligible for federal funding including ARRA funds. The three projects are MES10-801T, MES10-803T, and MES10-804T with a total of \$1,897,500 in ARRA funds. On December 9, 2009, the MAG Regional Council approved a set of Prioritization Guidelines for Unspent or Redistributed ARRA Funds. Following the approved Prioritization Guidelines coupled with the project status, the unspent \$1,897,500 of ARRA funds would be allocated to the 2.1 priority to increase operating assistance for bus and rail. There is currently \$1,750,000 of ARRA Transit funds programmed for bus and rail operating assistance, which is below the ceiling of ten percent of ARRA Transit funds, up to \$6,442,122, that can be used for bus and rail operating assistance. The City of Mesa is requesting that \$1,771,250 of ARRA transit funds be programmed for the construction of the Gilbert/L202 park-and-ride, MES10-805T and \$126,250 is programmed for the construction of L202/Power park-and-ride, MES08-801T. The MES10-805T project is currently programmed with \$517,750 of ARRA Transit, \$1,417,000 of federal 5309-rail and fixed guideway modernization (FGM), \$218,471 of regional funds, and \$135,780 of local funds. The funding changes for MES08-801T would decrease the 5309-FGM by \$101,000 from \$1,025,800 to \$924,800 and decrease local funds by \$25,250 from \$256,450 to \$231,200. This request is explained in the attached table. This request also affects the programming for FY 2009 federal transit 5309-FGM funds. MAG would have to reprogram \$1,517,999 of 5309-FGM in the next committee cycle. 5309-FGM funds have limited eligibility requirements and uses in comparison to ARRA 5307 transit funds. This item was on the September 8, 2010 Management Committee agenda for possible recommendation to approve.

6. MAG Air Quality Technical Advisory Committee Vice Chair Appointment

There being no comments or discussion, Councilwoman Neely moved to approve appointing Larry Person from the City of Scottsdale as Vice Chair of the Air Quality Technical Advisory Committee. Mayor LeVault seconded the motion and the motion carried unanimously.

7. Update on the Transportation Planning Certification Review of the Metropolitan Transportation Planning Process for Phoenix Transportation Management Area (TMA)

Dennis Smith reported on the Transportation Planning Certification Review of the Metropolitan Transportation Planning Process for Phoenix Transportation Management Area (TMA) led by the Federal Highway Administration-Arizona Division and the Federal Transit Administration Region IX staff, with assistance from the U.S. DOT's Volpe National Transportation Systems Center. He stated that the Federal Highway Administration and the Federal Transit Administration have

determined that the planning process conducted by MAG meets the requirements of the Metropolitan Planning Rule. Mr. Smith noted that there were no corrective actions, ten recommendations and nine commendations. He stated the recommendations included that they noticed a complexity of the structure of the technical committees and recommended a study of the efficiency of the structure. In addition, they noted that the public appears uncertain about the exact responsibilities of regional transit agencies and providers, and encouraged a study of the efficiency of these organizations. Mr. Smith also noted that they recommended completing a public transit framework and move further toward a multi-modal transportation framework that will ease the ability to make trade-offs between highway, transit and other alternatives. The commendations included the business representatives on the TPC; the framework studies; the performance measures in the Work Program; the integration of Human Services Programs in Transportation Programs; bringing transit into the regional multi-modal planning process, including establishing the transit committee. In the area of safety planning, they liked the establishment of the Safety Committee; and in modeling, they liked the combination of visualization with mode outputs. It was also noted that the Environmental mitigation and consultation as a FHWA best practices and we also received commendation on the tribal consultation. Mr. Smith noted that Nathan Pryor has done an outstanding job on working with the tribal communities. Mr. Smith state that this is an improvement over the previous certification review and that the performance audit is now underway.

Chair Schoaf thanked Mr. Smith for the update. Councilwoman Neely commended the staff on an outstanding job. Chair Schoaf agreed that staff should be commended for a job well done. He noted the importance of the need for these types of framework studies and processes to transit so that there is a good foundation being laid for a regional system on transit as there is for the freeway system. Mayor Lopez Roger also commended the staff on a great job. She asked for an update on the status of expanding the planning boundaries. Mr. Smith reported that the Executive Committee directed staff to meet with Pinal County. He noted that staff met with Mr. Terry Doolittle, Pinal County manager, and Maxine Brown, Executive Director of CAAG. He reported that both Mr. Doolittle and Ms. Brown will be retiring soon and with their short tenure, they did not wish to commit to anything. Mr. Smith stated that it was left open. He explained that there could be a process that tries to put them in as members or there could be a more formalized planning relationship with Pinal County. He stated that during his meeting with Mr. Doolittle and Ms. Brown, they mentioned the thought of putting the County, the City of Maricopa and a member of CAAG Regional Council on the MAG Regional Council. The comment they had was that this situation may be good for those three that have a seat on the MAG Regional Council, but how is this explained to the other members of the CAAG Regional Council. Mr. Smith noted that there is still some work to be done on the issue. Mr. Smith reported that discussions will continue in October or November with the new leadership, and staff will report back to the Executive Committee on those discussions.

#### 8. Formation of a MAG Joint Planning Advisory Council Working Group

Chair Schoaf explained that at the last Executive Committee meeting, he requested the subcommittee further define the process of the composition and determine appropriate members for the working group that would be sustainable and would be considered by the Regional Council for appointment. Councilwoman Neely stated that the subcommittee's discussions resulted in a

good recommendation for positions on the MAG JPAC Working Group. She noted that the mission statement of the committee is broad by design so that issues can be looked at from a high level and from a regional perspective. Councilwoman Neely stated that the composition of the committee was debated, but a consensus was reached. She noted the recommendation of the subcommittee for the terms of the working group members would be two-year terms with possible reappointment by the Regional Council. Councilwoman Neely stated that the composition of the committee will be one position for the Central City, one position for Maricopa County, three positions for East Valley elected officials and three positions for the West Valley elected officials. The vice chair of the Regional Council will be part of the composition, as well as the immediate past chair who will serve as the Chair of the working group. She noted that those member agency elected officials interested in serving on this committee will be asked to submit a letter of interest. Councilwoman Neely reported on the business members of the working group. She noted the recommendations include positions for an economist; transportation; education; WESTMARC; East Valley Partnership; Phoenix Chamber of Commerce; Greater Phoenix Economic Council; Greater Phoenix Leadership; ADOT/ADOT Consultant; Arizona Commerce Committee and the building community. Councilwoman Neely stated the importance of this committee doing business as soon as possible. Ms. McClafferty noted that a quorum of the committee would consist of a majority of the Regional Council members that sit on the working group.

Chair Schoaf confirmed that all the business members are defined by position not the individual. Mayor Hallman stated that the Regional Council chair is only a one-year term. He confirmed that a quorum would be the majority of the eight member agency elected officials - Central City, Maricopa County, three East Valley and three West Valley members. Councilwoman Neely clarified that the vice chair and the immediate past chair of the Regional Council are one of the positions for the East Valley and West Valley positions. Mayor Hallman suggested that both the vice chair and treasurer of the Regional Council sit on this committee to provide continuity with the order of ascension of the officers. Mayor Lopez Rogers noted the discussion of the subcommittee was to have the board members, as opposed to a staff member, serve as representative of the business positions. Councilwoman Neely noted that the goal was to get the individual that would attend the meetings and to not send a staff member. Mayor Smith stated that the idea was to have the positions/organizations, but within those organizations to have a specific person so that it is elevated to the level of taking ownership. Mayor Hallman noted that this is not unlike the Transportation Policy Committee (TPC) composition. Chair Schoaf noted that for the west side and WESTMARC, it would be better to see the chair or vice chair of the organization as opposed to the executive director. However, for the other organization, it may be better to have the executive director. He noted that for this reason, it is beneficial for the composition to have positions as opposed to individuals. Mayor Smith stated that it is about who would be best to advance the purpose and mission of the committee. Dennis Smith stated that the TPC also has a no proxy rule. Councilwoman Neely stated that under the rules of this committee composition it also states that if a position misses three consecutive meetings, a new appointment will be made in that category.

Chair Schoaf recommended that staff update the composition based on the discussion today and distribute to the Executive Committee for approval. Mr. Smith noted that the composition will then move forward for approval to the Regional Council this month. Councilwoman Neely noted that the Regional Council will need to request letters of interest from member agency elected

officials. Chair Schoaf recommended one meeting cycle that is to approve the business positions and request letters of interest at this month's meeting, and to appoint the member agencies at the October Regional Council meeting. Councilwoman Neely stated that her concern was that on one potential project, timely and important decisions may need to be made soon.

Councilwoman Neely moved to approve the composition of the MAG JPAC Working Group with the amendment that it will be possible for the working group to meet with the a quorum of the known members of the elected officials, which includes the immediate past chair, the Regional Council vice chair and treasurer, and Maricopa County, and to recommend approval and appointment of the business member composition at the September Regional Council.

9. Sustainable Communities Regional Planning Grant Program

Amy St. Peter thanked the Executive Committee for the opportunity to present information regarding the Sustainable Communities Regional Planning Grant Program. She reported that in July, the Executive Committee recommended steps to complete the application for this program and the final application was submitted on behalf of the Sun Corridor Consortium. She noted that the U.S. Department of Housing and Urban Development (HUD) is partnering with the U.S. Department of Transportation (DOT) and the Environmental Protection Agency (EPA) on this new program, and the funding supports the creation of regional plans for sustainable development over a three-year period. Ms. St. Peter stated that approximately \$98 million is available nationally with up to \$5 million potentially available for large metropolitan areas. It is anticipated that this grant process will be very competitive and oversubscribed. She noted that the Secretary of HUD estimates making 40 awards for this program, with 25 percent of the awards going to small metro or rural areas. She explained that if HUD grants the full \$5 million available for large metro regions, that means HUD may only give 15 awards to large metro areas.

Ms. St. Peter reported that with the assistance of our partners, we were able to submit a strong proposal reflecting 120 agencies, including the Pima Association of Governments, the Central Arizona Association of Governments, the Arizona Department of Transportation, the Urban Land Institute, the Sonoran Institute, and various programs within Arizona State University and the University of Arizona. In addition, all the MAG member agencies were included as partners by virtue of MAG Regional Council action taken on July 28, 2010. She noted that the diversity and broad community support of the Sun Corridor Consortium is an important achievement. This will make the application more competitive, as well as convey benefits for each of the partners. Ms. St. Peter stated that HUD has indicated a preferred sustainability status will be conveyed on all consortium partners whose applications meet threshold requirements, even if they do not win an award. She noted that technical assistance funding will be available in the fall to assist applicants with preferred status to improve their applications for next year's competition. This status may also benefit partners when they individually apply for other federal funding sources in the future.

Ms. St. Peter stated that the support of the consortium partners resulted in our ability to leverage \$21 million for the \$5 million grant. This includes a contribution of more than \$14 million from Central Arizona Project for the strategic right-of-way along the canals that run through all three counties. She thanked the MAG member agencies that committed leverage for this grant, including Avondale, Chandler, El Mirage, Goodyear, Peoria, Tempe, Maricopa County, Valley

Metro, and ADOT. Ms. St. Peter noted that six initiatives are proposed in the application to help inform the regional plan for sustainable development. These include the Arizona Health Survey through St. Luke's Health Initiatives, Native American Communities Transit Study, Regional Housing Plan, Cluster Economic Development Study, Canal Path Integration Study, and the Connected Centers Framework Study. She stated that these efforts will identify ways the Sun Corridor can better integrate planning for economic development, housing, and transportation in order to protect the environment and promote social equity. Ms. St. Peter reported that HUD had originally indicated awards would be announced in October. She noted that there may be opportunities to move forward with some of the activities proposed in the application without grant funding, and when the awards are announced, we will re-assess our position and determine next steps. Ms. St. Peter stated that this item is on the agenda for information and discussion, and that she would be happy to take any questions.

There being no questions of comments, Mayor Schoaf thanked Ms. St. Peter for her efforts on completing this grant and on bringing a variety of resources together.

10. Update on Exceptional Events and MAG Five Percent Plan for PM

Chair Schoaf noted there is a provision for executive session on this agenda item and he asked Mr. Smith if the Executive Committee should proceed into executive session. Mr. Smith stated that staff can provide general background information before moving into executive session. Lindy Bauer stated that on August 24, 2010, the Environmental Protection Agency (EPA) sent a letter to the Arizona Department of Environmental Quality (ADEQ) indicating that EPA will be proposing action on the Five Percent Plan on September 3, 2010, and that EPA will be addressing the exceptional events in that action. In addition, the Arizona Congressional Delegation sent a letter indicating that more time was needed, and they also had a phone call with EPA on September 2, 2010, but EPA maintained that they still would move forward on September 3, 2010. Ms. Bauer stated that on September 3, 2010, the EPA Regional Administrator signed a Federal Register notice that proposed partial approval and partial disapproval of the Five Percent Plan for PM-10 for the Maricopa County nonattainment area. She reported that on September 9, 2010, the notice was published in the Federal Register and a 30 day comment period is provided and comments are due by October 12, 2010. Ms. Bauer stated that there are two major reasons that EPA is proposing partial approval and partial disapproval of the Plan. She stated that EPA indicated that the 2005 base year emissions inventory prepared by Maricopa County is inaccurate since EPA disapproved with the methodology used by the County. Ms. Bauer noted that the emissions inventory is the cornerstone of the Plan, and foundation from which the Plan is built. She noted that the emissions inventory indicates what the emissions sources are and also the contribution coming from the sources. She also stated that the emissions inventory was tied to the modeling of the contingency measures done for the Plan. Ms. Bauer stated that when EPA took the emissions inventory portion of the Plan and determined it was inaccurate, it led to other issues with the Plan.

Mayor Smith asked if EPA is disapproving the Plan or the emission inventory. Ms. Bauer explained that the emissions inventory is the foundation of the Plan, a key data piece. She noted that EPA criticized the rule effectiveness methodology used by Maricopa County. She stated that EPA stated that the methodology led to an overestimation of the emission coming from



construction and other sources, which led to a faulty strategy. Mayor Smith clarified that EPA is saying that this is bad inventory. Ms. Bauer stated that at the time, the inventory was appropriate, the economy robust, and there was a great deal of construction in the Valley. Mayor LeVault asked if the EPA signed off on the inventory back in 2005. Ms. Bauer stated that the EPA was provided with the inventory in May or June of 2007 by Maricopa County. Mayor LeVault stated that EPA has had this information for over two years and is just now telling us that certain industry sources are overestimated. Ms. Bauer confirmed that was correct. Mr. Smith stated that the pie chart that was described a few years ago, if it is different than the one that has been presented or developed recently by Maricopa County, is not our contention. He noted that the monitor went off because of high winds. He explained that we can work on the Plan as requested, but the monitor will continue to go off. He noted that MAG continues to inform EPA that we need to address the unique conditions at the monitor.

Ms. Bauer stated that the second major reason that EPA proposed partial disapproval of the Plan was that EPA could not approve the modeling demonstration showing attainment in 2010 because they would not approve the four exceptional events at the West 43rd Avenue monitor. She noted that those four exceptional events constitute a violation. She explained that the region is permitted to have only three exceedances per monitor over a three year time period. This means that the region does not have its first year of clean data in 2008 in order to show attainment by 2010. She noted that the region needed to be clean in 2008, 2009 and 2010. Ms. Bauer stated that EPA indicated in a footnote in the 80-page document, that EPA does not feel it is necessary to review the exceedances in 2009 that will be submitted by the State as exceptional events. She noted that modeling attainment demonstration is very important and tied to EPA's nonoccurrence with the exceptional events.

Mayor Lane stated that he is concerned that EPA is not allowing the data from 2005 and the methodology because EPA says we overestimated the extent of dust from certain contributing sources. He asked if that methodology has been changed. Ms. Bauer stated that Maricopa County Air Quality Department has changed the methodology in the 2008 emissions inventory. She noted, however, that the County used a methodology that had been approved by EPA previously for the 2005 submittal. Mr. Smith stated that what gets lost in this discussion is that we had controls in every piece of the pie chart whether it is the older one or the newer one. He noted that the Plan is working. Chair Schoaf asked if the Plan demonstrated a certain number of pounds reduction of particulate matter and the calculation was based upon the old distribution of sources. He stated that if you apply our measures to the new pie chart distribution, it also reduces PM-10. Ms. Bauer stated that is correct. Chair Schoaf continued that since we are now starting with less pounds total, is it not a high enough percentage. Ms. Bauer stated that we do not know the answer to that question at this time. She stated that Maricopa County has just completed the 2008 emission inventory. Ms. Bauer stated that EPA notes in the 80-page document that perhaps we have enough measures to show the five percent reduction against the new inventory. She noted that Maricopa County is concerned that EPA will not accept the 2008 inventory with the new methodology. The County has questions for EPA. Chair Schoaf stated that it is possible when we do have an inventory that EPA accepts, the elements of the old Plan might very well calculate out to an acceptable number of elements. Ms. Bauer stated that EPA has also requested a "best available control measure analysis" of what is being done in other areas of the country. She noted that the Plan will need to be remodeled. Mayor Lane asked if EPA found that with the methodology used

on both ends, with the adjusted data base of information, and we were to have a proper delta of difference, would that be acceptable to the EPA. Ms. Bauer stated that EPA has indicated that we have not been clean at the monitor with the nonconcurrence on the four high wind exceptional events. Mayor Lane asked that if we took just the first area of objection, which is the emission inventory and methodology, would that be something to dismiss that issue. Ms. Bauer stated that EPA proposed disapproval of the emissions inventory and we now have an opportunity to comment. She stated that if 2008 is not going to be a clean year, we will need to model more years into the future. She noted that we will have to have five percent reduction in emissions per year until we attain. Ms. Bauer noted that if they do not say that 2008 is a clean year, we will need to model additional years and we do not know how far out we will have to go and we do not know if we will have enough measures and benefits to get there.

Mr. Smith stated that this would be a good time to go into a strategy discussion with the attorneys. Chair Schoaf asked for a motion to go into executive session. Mayor LeVault moved for the Executive Committee to go into executive session. Mayor Lopez Rogers seconded the motion and the motion carried unanimously. The Executive Committee went into executive session at 1:06 p.m.

The Executive Committee reconvened regular session at 1:49 p.m. No action was taken on this agenda item.

11. Request for Future Agenda Items

Chair Schoaf asked if there were any requests for future agenda items. There were none.

12. Comments from the Committee

Chair Schoaf asked if there were any comments for the committee members. There were no comments.

Adjournment

Councilwoman Neely moved to adjourn the Executive Committee meeting. Mayor LeVault seconded the motion and it carried unanimously. There being no further business, the Executive Committee adjourned at 1:50 p.m.

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Chair

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Secretary